

## Amendments To The Specification

Please amend the specification at page 4, line 13 through page 5, line 13:

The present invention meets the need in the art by providing a fence panel that readily adjusts to conform substantially to a slope of a terrain during installation of the fence panel. ~~The fence panel that readily adjusts to conform substantially to the slope of the terrain, comprises a pair of elongate rails disposed in parallel spaced-apart relation and at an angle relative to horizontal to define a longitudinal length of a fence panel. The rails each define opposing first and second side edges. A plurality of inner pickets attach to the first and the second rails by fasteners between the respective picket and the first side edge of the first rail and between the respective picket and the second side edge of the second rail. A pair of opposing outer pickets attach to the first and the second rails by fasteners between the respective outer picket and the second side edge of the first rail and between the respective outer picket and the first side edge of the second rail. During installation, the fence panel adjusts to the slope of a portion of the terrain by moving opposing ends of the panel in opposing in directions transverse to the longitudinal axis of the rails while the pickets remain substantially perpendicular to horizontal.~~ The fence panel tracks a sloped grade of a portion of a terrain surface for attaching to adjacent ones of the fence panel to define an elongate length of fencing along the terrain surface, comprises a first rail disposed parallel and spaced-apart from a second rail, which rails define a longitudinal length of a fence panel. Each rail defines opposing first and second side edges, with the rails disposed at an angle relative to horizontal. A plurality of spaced-apart pickets define a pair of opposing outer pickets and a plurality of inner pickets. The

pickets are disposed substantially perpendicular to horizontal and attach to the rails with fasteners such that the inner pickets are attached to a respective one of the rails by fasteners on the first side edge and the outer pickets are attached to the respective one the rails by fasteners on the second side edge. The fence panel, being racked by moving opposing ends of the panel in opposing directions transverse to the longitudinal axis of the rails, conforms a slope of the rails substantially to the slope of the portion of the ground surface by changing the angle between the pickets and the rails while the pickets remain substantially perpendicular to horizontal without the rails rolling away from the inner and outer pickets.

In another aspect, the present invention provides a method of making a fence panel for tracking a sloped grade during installation of a fence over a terrain, comprising the steps of:

(a) disposing a ~~first rail~~ pair of rails parallel and spaced-apart ~~from a second rail~~ at an angle to a horizontal plane to define a longitudinal length of a fence panel, the rails defining opposing first and second side edges;

(b) attaching a plurality of inner pickets to a respective one of the rails substantially perpendicular to the horizontal plane ~~by fastening with fasteners such that the fasteners are between the inner pickets and the first side edge of the respective first rail and the second side edge of the second rail;~~

(c) attaching a pair of opposing outer pickets at opposing ends of the rails respective rail substantially perpendicular to the horizontal plane by ~~fastening~~ fasteners between the outer pickets and the second side edge of the respective first rail and the first side edge of the second rail; and

(d) repeating steps (b) and (c) for the other of the pair of rails,

whereby the fence panel, being racked by moving opposing ends of the fence panel in

opposing directions transverse to the longitudinal axis of the rails, conforms a slope of the rails substantially to a slope of a portion of the terrain by changing the angle between the inner and outer pickets and the rails while the inner and outer pickets remain substantially perpendicular to horizontal without the rails rolling away from the inner and outer pickets.